

**REMARKS**

Claims 1-34 are pending in the application. Claims 1, 13 and 25 are independent claims. Claims 1-34 stand rejected.

***Specification***

The disclosure is objected to because of the following informalities: The specification, paragraph [0056] recites "**base component 506.**" However, figure 6 shows a base component 508.

Applicants assume the examiner refers to paragraph [0052] because there is no recitation of base component 506 in paragraph [0056]. Paragraphs [0051] and [0052] are amended herewith.

Additionally, the specification is objected to as failing to provide proper antecedent basis for the claimed subject matter.

Claim 1 is amended herewith.

***Claim Rejections – 35 USC § 101***

Claims 1-12 and 32-34 stand rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

The examiner maintains that claim 1 is directed to a system that manages the partition of an application comprising "a base layer" which the examiner maintains is software and therefore not patentable subject matter. Applicants have amended the claims and submit that the rejection is overcome.

The examiner maintains that claim 32 is directed to "a system that supports the partitioning of an application into at least a first software object and a second software object, the system hosting a first environment and a second environment ... comprising an **application program interface**". The application program interface is software.

***Claim Rejections – 35 USC § 112***

Claims 1-13, 16-18, 20 and 32-34 stand rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which matter which applicant regards as the invention.

Claims 1, 8, and 12 recite the limitation "base layer" in lines 1-2. Applicants have amended the claim to recite "base component" and request reconsideration of the rejection.

Claim 6 recites the limitation "second application" in line 1. Applicants have amended the claims to recite "said second object" and request reconsideration of the rejection.

Claim 13 recites the limitation "an assurance policy" in line 1. Applicants have amended the claim to recite "an assurance level." See at least paragraph [0056] for a description of assurance level.

***Claim Rejections – 35 USC § 103***

Claims 1, 5-14, 19-20, 23-26, and 31-34 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Muschellack et al. (US 7,309,004 B1) in view of J.E. Smith, "An Overview of Virtual Machine Architectures", October 27, 2001, pp 1-20.

Applicants respectfully disagree.

The examiner maintains that Muschellack teaches:

- (a) a first software object of said application that executes in said first environment comprising a first operating system, said first software object handling a plurality of data and including logic to identify a first of said plurality of data as not processable by said first software object

Citing fig. 8; standard mode, Operating System; Col. 19, line 7, the standard mode or left hand side 430. Action p. 7. However, that portion of Muschellack actually teaches:

An ATM with a NGSCB trusted computing platform may include two modes of operation referred to as the standard mode or left hand side 430 and the nexus mode or right hand side 432. Both modes may be operative at the same time on a computer of the ATM. *Legacy applications which are not designed for use with a TPM 414 may execute in the standard*

*mode of the platform.* However, trusted applications which are designed to use features of the TPM may be granted permission to operate in the nexus mode 432. Such trusted applications include the NGSCB nexus 420, nexus computing agents (NCAs), and/or other software components which are adapted to operate in the nexus mode.

Col. 19, ll. 5-14. In other words, some applications are capable of operating in a nexus mode and some are not, i.e. legacy applications. This portion of Muschellack says nothing of the claimed first software object of an application that executes in a first environment. Rather, this portion describes applications as executing in the nexus environment or not executing. Moreover, it says nothing about the software object of the application having logic to identify data not processable by the software object. In addition, the claims were amended to further distinguish Muschellack in that the claims recite that the software object provides a subset of the operations of the application. As such, the claimed software object provides operations of the application program that can execute in the first environment.

The examiner also cites to J.E. Smith. However, the examiner does not indicate how J.E. Smith cures the deficiencies of the base reference, Muschellack.

Independent claim 13 similarly recites a “first software object determining that the data is not processable by the first software object” and “the first software object causing the data to be provided to a second software object of the application that executes in a second environment.” As indicated above, Muschellack does not teach or suggest such logic in a software object of an application. Rather Muschellack teaches that some application can execute in the nexus operating system and some cannot.

The examiner does refer to Col. 20; line 17-28 of Muschellack as teaching:  
software components (i.e. applications) may continue to operate in the standard mode 430 (fig. 8) or standard partition 730 (fig. 9) ... other device interface layer may continue to operate in the standard mode or partition. However, other components, such as software components which have access to secure financial information, items of value (i.e. cash, deposits) for example may operate on the nexus mode or protected partition of the Trusted Platform (TP)

Action p. 7. That portion of Muschellack does teach that software components can offloaded to the standard mode while others operate in nexus mode. However, that does not describe the software components have the logic described above and appears merely to teach the the

rudimentary division of software components. It does not teach, for example, the first object causing the data to be provided to the second software object, as recited in claim 13.

Similarly, independent claim 25 recites that the first software object comprises instructions to (1) operate on members of said first type of data, (2) recognize a member of said second type of data as not being processable by said first software object; and cause the member of said second type of data to be routed to a second software object of said application. None of these limitations are found in Muschellack or the secondary reference Smith.

Similarly, independent claim 32 recites a first method that receives from a first software object a first data object that comprises: (1) data processable by the second software object, and (2) a first identifier assigned by the system to the second environment; and that routes said first data object to said second environment based on said first identifier. Muschellack does not teach partitioning software objects of an application across operating environments in this way.

Inasmuch as claims 5-12, 14, 19-20, 23-24, 26, 31, and 33-34 depend from independent claims 1, 13, 25 and 32, Applicants submit that they also patentably define over Muschellack in view of Smith.

Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection.

Claims 2-4, 15-18, and 29-30 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Muschellack et al. (US 7,309,004 B1) in view of J.E. Smith, "An Overview of Virtual Machine Architectures", October 27, 2001, pp 1-20 and further in view of Clapper (US 2003/017584 A1).

Inasmuch as claims 2-4, 15-18, and 29-30 depend from independent claims 1, 13, and 25, Applicants submit that they also patentably define over Muschellack in view of Smith and further in view of Clapper.

Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection.

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**PATENT**

Claims 21-22 and 27-28 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Muschellack et al. (US 7,309,004 B1) in view of J.E. Smith, "An Overview of Virtual Machine Architectures", October 27, 2001, pp 1-20 and further in view of Hayman et al. (US 5,895,966).

Inasmuch as claims 21-22 and 27-28 depend from independent claims 13 and 25, Applicants submit that they also patentably define over Muschellack in view of Smith.

Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection.

### **CONCLUSION**

In the view of the foregoing amendments and remarks, Applicants respectfully submit that the present application is in condition for allowance. Reconsideration of the application and an early Notice of Allowance are respectfully requested. In the event that the Examiner cannot allow the application for any reason, the Examiner is encouraged to contact Applicants' representative.

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